

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In the Matter : Chapter 7
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-of- : Case No. 21-10699 (DSJ)
: :
KOSSOFF PLLC, :
: :
Debtor. :
: :
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**ORDER AUTHORIZING THE CHAPTER 7 TRUSTEE TO RETAIN
PHILLIPS NIZER LLP AS HIS SPECIAL REAL ESTATE COUNSEL**

Upon consideration of the application (the “Application”)¹ of Albert Togut, not individually but solely in his capacity as the Chapter 7 trustee (the “Trustee”) of the estate of Kossoff PLLC (the “Debtor”), for entry of an order pursuant to sections 327(a) and 328(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 2014-1 of the Local Rules for the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”) authorizing the Trustee to retain and employ Phillips Nizer LLP (“Phillips Nizer”) to serve as his special real estate counsel; and upon the declaration of Marc A. Landis, Esq., a member of Phillips Nizer (the “Landis Declaration”), attached to the Application as Exhibit B; and it appearing that the Court has jurisdiction to consider the Application; and it appearing that the relief requested in the Application is in the best interests of the Trustee and the Debtor’s estate; and the Court being satisfied, based on the representations made in the Application and the Landis Declaration that Phillips Nizer represents or holds no interest adverse to the Debtor’s

¹ Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to such terms in the Application.

estate and is disinterested under section 101(14) of the Bankruptcy Code; and it appearing that due and appropriate notice of the Application has been given under the circumstances of this Chapter 7 Case; and it appearing that no other or further notice need be provided; and good and sufficient cause appearing therefor, it is

ORDERED, that the Application is granted to the extent provided herein; and it is further

ORDERED, that in accordance with section 327(a) of the Bankruptcy Code, the Trustee is hereby authorized to retain Phillips Nizer as his special real estate counsel to perform the services described in the Application; and it is further

ORDERED, that Phillips Nizer shall apply for compensation and reimbursement of expenses in accordance with the procedures set forth in sections 330 and 331 of the Bankruptcy Code, applicable Bankruptcy Rules, the Local Rules and orders of the Court, guidelines established by the United States Trustee, and such other procedures as may be fixed by order of this Court; and it is further

ORDERED, that not less than ten (10) business days prior to affecting any increases in the rates set forth in the Application and the Landis Declaration, Phillips Nizer shall file and provide notice to the Debtor, the United States Trustee and any party that files a notice of appearance in the Chapter 7 Case, a supplemental declaration with the Court which explains the basis for the rate increases in accordance with section 330(a)(3)(F) of the Bankruptcy Code and indicates whether the Trustee has received notice of and approved the proposed rate increase; and it is further

ORDERED, that the United States Trustee retains all rights to object to any rate increase on all grounds including, but not limited to, the reasonableness standard provided for in

section 330 of the Bankruptcy Code, and the Court retains the right to review any rate increase pursuant to Section 330 of the Bankruptcy Code; and it is further

ORDERED, that this Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

DATED: New York, New York
May 20, 2022

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE

NO OBJECTION:

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE,
By:

/s/ Andrew Velez-Rivera
ANDREW VELEZ-RIVERA, ESQ.
Trial Attorney